



City of Marietta

Meeting Summary

CITY COUNCIL

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

William B. Dunaway, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Holly Marie Walquist, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Monday, November 09, 2009

7:00 PM

Council Chamber

20090995 **Regular Meeting - September 9, 2009**

Review and approval of the September 9, 2009 regular meeting minutes.

Approved and Finalized

20091190 **Regular Meeting - October 14, 2009**

Review and approval of the October 14, 2009 regular meeting minutes.

Approved and Finalized

20091191 **Regular Meeting - October 26, 2009**

Review and approval of the October 26, 2009 special called meeting minutes.

Approved and Finalized

20091130 **Marietta Museum of History Board of Directors**

Appointment of Harlon Crimm to the Marietta Museum of History for a three (3) year term expiring October 31, 2012.

Approved and Finalized

20090944 **Z2009-16 John B. Harbour 33 & 37 Garrison Road**

Z2009-16 [REZONING] JOHN B. HARBOUR request rezoning for property located in Land Lots 218 and 219, District 17, Parcel 114 and 21, 2nd Section, Marietta, Cobb County, Georgia and being known as 33 and 37 Garrison Road from R-3 [Single Family Residential 3 units/acre (City)] and R-20 [Single Family Residential (County)] to CRC [Community Retail Commercial (City)]. Ward 3.

Approved as Stipulated

Motion to approve the rezoning request for property located at 33 and 37 Garrison Road from R-3 [Single Family Residential 3 units/acre (City)] and R-20 [Single Family Residential (County)] to OIT [Office Institutional (City)], with the following stipulations:

1.) Letter of Stipulation dated September 28, 2009 from Melissa P. Haisten to Russell J. Roth, with the deletion of item 7b and 7d.

2.) Work vehicles shall be allowed to be kept on the property. No more than five (5) over-sized vehicles shall be allowed to be kept outside on the property at anytime. The size of work vehicles shall be limited to no greater than 9,000 gross vehicle weight and 25 feet long.

3.) The variances been granted are only given for existing structures on the property.

20090945

A2009-04 John B. Harbour 33 Garrison Road

A2009-04 [ANNEXATION] JOHN B. HARBOUR request annexation for property located in Land Lot 02190, District 17, Parcel 21 and being known as 33 Garrison Road, 2nd Section, Cobb County, Georgia consisting of 0.78 acres. Ward 3.

Approved and Finalized

20090946

CA2009-06 John B. Harbour 33 & 37 Garrison Road

CA2009-06 [CODE AMENDMENT] JOHN B. HARBOUR in conjunction with the requested annexation of property located in Land Lots 218 and 219, District 17, Parcels 114 and 21, 2nd Section, Marietta, Cobb County, Georgia, and being known as 33 and 37 Garrison Road, the City of Marietta proposes to designate the Future Land Use of said property as MXD (Mixed Use Development). Ward 3.

Approved and Finalized

20091175

Code Enforcement - 431 Booth Circle

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 431 Booth Circle.

Listed Owner: Diane Corbin

Repeat Violation History: (1) previous case since February 13, 2006.

Certified mail receipt received 10/23/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Approved and Finalized

20091176

Code Enforcement - 1279 W. Booth Road Extension

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1279 W. Booth Road Extension.

Listed Owner: Michelle Miller

Repeat Violation History: (5) previous cases since September 10, 2007.

Certified mail receipt not received as of 10/30/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved and Finalized

20091177

Code Enforcement - 733 Bonnie Dell Drive

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 733 Bonnie Dell Drive.

Listed Owner: Federal National Mortgage Association

Repeat Violation History: None

Certified mail receipt received 10/19/09; not signed by Officer of Federal National Mortgage Association.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved and Finalized

20091179

Code Enforcement - 281 Pam Lane

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 281 Pam Lane.

Listed Owner: Eskew, Jennifer Lynn & Thomas, Eric Sr.

Repeat Violation History: (2) previous cases since April 25, 2006.

Certified mail receipt not received as of 10/30/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Removed

20091181

Code Enforcement - 574 Welch Street

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 574 Welch Street.

Listed Owner: Arnold L. Long

Repeat Violation History: (13) previous cases since January 11, 2001.

Certified mail receipt not received as of 10/30/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved and Finalized

20091185

Code Enforcement - 1459 James Street

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1459 James Street.

Listed Owner: Brewer Edna W.

Repeat Violation History: (4) previous cases since July 30, 1999.

Certified mail receipt received 10/22/09; not signed by owner.

Taxes paid: Unpaid; owes \$818.50 for 2009.

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved and Finalized

20091186

Code Enforcement - 211 Scott Drive

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 211 Scott Drive.

Listed Owner: Fuller Karen Z.

Repeat Violation History: (2) previous cases since September 25, 2007.

Certified mail receipt received 10/29/09; not signed by owner.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved and Finalized

20091187

Code Enforcement - 221 Scott Drive

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 221 Scott Drive.

Listed Owner: McMullan Partners LLC

Repeat Violation History: None

Certified mail receipt received 10/19/09; not signed by Registered Agent.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Removed

20091189

Code Enforcement - 566 W. Atlanta Street

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 566 W. Atlanta Street.

Listed Owner: George Sigalos

Repeat Violation History: (4) previous cases since June 23, 2009.

Certified mail receipt not received as of 10/30/09.

Taxes paid: Unpaid, owes \$1590.11 for 2008 & 2009

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Removed

20091237 **Denial of Claim**

Denial of claim of Kim and Lyseenia Johnson.

Approved to Deny Claim

20091143 **Home Funds Allocation**

Approval of a Resolution authorizing the reallocation of \$500,000 in (07,08, and 09) HOME program funds to the Cole Street Redevelopment Corporation for the development of 81 senior housing units in the Tower at Dorsey Manor Project.

Approved and Finalized

20091144 **CDBG-R Stimulus**

Approval of a Resolution authorizing the execution of the FFY' 2009 CDBG-R Stimulus Program Subrecipient Agreement with Cobb County.

Approved and Finalized

20091141 **Budget Amendment**

Approval of an Ordinance amending the Fiscal Year 2010 Section 8 Fund Budget to appropriate \$73,000 in Administrative Fee reserves to cover one-time purchases of equipment and services to support the Housing Choice Voucher program.

Approved and Finalized

20091205 **Kennesaw Avenue Design Guidelines**

Motion to approve the design guidelines for the Kennesaw Avenue Historic District, as identified on the attached map. **PUBLIC HEARING REQUIRED.**

Approved and Finalized

20091142 **Theft by Shoplifting**

Approval of an Ordinance amending Section 10-4-150 of the City Code, "Theft by shoplifting" where the subject of the theft was valued at \$300.00 or less.

Approved and Finalized

20091154

Georgia Recreational Trails Grant Project Application Approval

Approval of a Resolution authorizing the submission of a Georgia Recreational Trails Program (RTP) Grant requiring local cash or in-kind match to the Georgia DNR for project funding.

Approved and Finalized

20091136

Livable Center Initiative Funding Applications

Approval of Resolutions for Livable Centers Initiatives (LCI) 2010 Funding for the Powder Springs Street Streetscapes and Franklin Road Improvement Phase A.

Approved and Finalized

20091137

East Dixie Avenue Traffic

Motion approving the installation of traffic controlling devices between Sycamore Street and Delk Street.

Approved and Finalized

Motion approving the installation of 3 way stop on East Dixie Avenue at Sycamore Street.

20091200

Donation of property

Motion to accept donation of Landscape Easement at 316 Alexander Street - From DJL Marietta Properties for Renaissance District Improvements Project with the following Stipulations:

1. Tract 1 (one) is for Landscape Easement only. Zoning setbacks not affected.
2. Sprinkler system located in Landscape Easement. If damaged during construction, replace with like kind materials.
3. Owners signage not to be blocked by foliage (can relocate signage with owner's permission)

Approved and Finalized

20091199

Donation of property

Motion to accept donations for Fairground Street Improvements:

Temporary Construction Easement at 136 S. Fairground Street and 157 S. Fairground Street - From David Townsend.

Temporary Construction Easement at 180 Woods Dr. From Colleen A. Parker

Temporary Construction Easement at 611 Colonial Cr. From Kenneth Ray Herron with stipulations to replace fence behind wall and remove three Birch trees.

Approved and Finalized

20091201

Property Acquisition

Motion authorizing acquisition of Right of Way at 505 Freyer Dr. from Thomas E. Koch, for the Fairground Street (Allgood Rd. to N. Marietta Pwky.) Project in exchange for the sum of \$16,400.00 with the following stipulations: a new curb cut/driveway apron be located further south of the existing driveway apron at the existing ROW marker between the two dogwood trees.

Approved and Finalized

20091206

Property acquisition

Motion to approve acquisition of temporary construction easement and permanent landscape easement from 244 Roswell Street Condominium Association for the amount of \$18,200.00 along with the installation of crepe myrtles.

Approved and Finalized

20091204

Property acquisition

Motion authorizing acquisition of Right of Way at 550 Franklin Road from Franklin Road Commercial Plaza, LLC for the Franklin Road (South Marietta Parkway to Delk Road) Project in exchange for the sum of \$74,702.50.

Approved and Finalized

20091202

Property acquisition

Motion authorizing acquisition of Right of Way at 620 and 630 Franklin Rd. From Swami Hospitality for the Franklin Rd. (S. Marietta Pwky. to Delk Rd.) Project in exchange for the sums of \$9,000 and \$14,000, respectively, with stipulations:

1. Access must be maintained to Super 8 at all times. Work is to be completed on half of the access at a time.
2. For both parcels, all landscaping that is removed must be replanted with small trees and bushes/hedges.
3. At any place in the Super 8 or Ramada's parking places, when concrete surfaces are damaged, the City will repair or replace to a condition as equal to or better than pre-construction condition.
4. Any parking striping damaged at any place in Super 8's or Ramada's parking places will be repaired or replaced by the City.
5. The owner must be notified at least 24 hours before start of the work.
6. Any equipment not in use shall be removed within 4 hours of any request so as not to inconvenience guests.
7. The City of Marietta shall replant landscaping in the orange areas indicated on the attached drawing.
8. The main Ramada trade fixture sign and the main Super 8 fixture sign shall remain in place and left undisturbed.

Approved and Finalized

20091198

Property donations

Motion to accept donations of driveway easements and temporary construction easement for the 2008 City of Marietta Sidewalks Project.

680 Walnut Dr: Temp Construction Easement - From Kenneth A. and Barbara R. White

63 Whitlock Dr: Temp Construction Easement - From Dean Wardlaw

113 Whitlock Dr: Temp Construction Easement - From Jeremy and Kristen Moffett

133 Whitlock Dr: Temp Construction Easement - From Travis Reed Weeks. Stips: Sprinkler System is not to be disturbed, or repair if relocation is needed. Please call homeowner before construction.

95 Whitlock Dr: Temp Construction Easement - From Anne Yarwood

73 Whitlock Dr: Temp Construction Easement - From Cindi Parris. Stips: Widen driveway for future expansion. Extend apron to 1' south of existing mailbox. See Plat.

634 Walnut Dr: Temp Construction Easement - From Tyler Lee and Christina Ann Morris. Stips: All six dogwood trees to be removed from both sides of driveway.

612 Walnut Dr: Temp Construction Easement - Walter Gresh Jr. Stips: Irrigation system along ROW to be replaced or repaired if disturbed during construction. Please call Mr. Gresh for location of sprinkler head.

153 Whitlock Dr: Temp Construction Easement - From Dr. Dorothy Harrell Brown. Stips: If two sewer cleanouts are to be disturbed/covered over, bring cleanout up to new grade level.

31/41 Whitlock Dr: Temp Construction Easement - From AKM Enterprises

Approved and Finalized

20091203

Property acquisition

Motion authorizing acquisition of Right of Way at 574 Church Street from SPR Enterprises for Church Street at Margaret Avenue median improvements in exchange for the sum of \$6,118.00.

Approved and Finalized

20091245

Property condemnation - 761 Powder Springs Street

Motion to authorize the acquisition of property owned by Wachovia Bank, National Association, 761 Powder Springs Street, on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

Approved and Finalized

20091243 Property acquisition - 761 Powder Springs Road

Motion to Purchase Right of Way at 761 Powder Springs Road from Wachovia in exchange for \$35,800 for the Powder Springs Road Streetscapes Project.

Stipulations:

1. Grantee shall maintain reasonable access to parcel at all times
2. Option with all attachments and exhibits will survive will survive the closing
3. Grantee understands reasonable access to driveways serving Powder Springs Road must be maintained at all times.
4. Grantee will diligently pursue to completion its construction, and will not use any portion of the parcel as a construction staging area, nor store construction vehicles and equipment on the parcel.
5. Pylon sign is to be relocated and re-constructed by owner as a monument style sign meeting Marietta Ordinances.

Approved and Finalized

Motion to approve with the deletion of stipulation # 5.

20091242 Property acquisition - 704 Fairgate Road

Motion to Approve Purchase of Property at 704 Fairgate Road for the purpose of Powder Springs Streetscapes improvements.

704 Fairgate Road from Attic Self Storage in exchange for \$5,700 for the purchase of property to construct permanent and temporary construction easements.

Approved and Finalized**20091241 Relocation of Power Poles by Georgia Power**

Motion to Approve Relocation of Power Poles by Georgia Power for Roswell St. (Victory-Cobb Improvements)

Georgia Power Company Poles Relocation from Georgia Power Company.

Stipulation not to exceed \$209,246 under the terms and conditions as accepted by the City Attorney and Public Works Director.

Approved and Finalized**20091240 Property acquisition- 550 Seminole Drive**

Motion to Approve Right-of-Way Acquisition for the purpose of Fairground Street Improvements at 550 Seminole Drive

550 Seminole Drive from J.D. Thompson in exchange for \$7,100.

Approved and Finalized**20091138 Bouldercrest Drive at Banks Street Intersection**

Request for stop sign based upon sight distance requirements.

Referred to the PUBLIC WORKS COMMITTEE

20091235 **Certified Results for the November 3, 2009 General Election**

Motion to approve the certified election results for the November 3, 2009 City of Marietta General Election as presented by the Cobb County Board of Elections and Registration.

Approved and Finalized

20091236 **Bond Election Results**

Resolution declaring the results of a Bond Election held on November 3, 2009; providing for notification of the District Attorney; and for other related purposes.

Approved and Finalized

20091238 **Bond Refunding - 2002 and 2008 School Board Bonds and 2007 Public Safety Bonds**

Motion to hire Public Financial Management Inc., as the City's financial advisor and authorize to move forward with refunding the 2002 and 2008 School Board Bonds and 2007 Public Safety Bonds, as long as combined savings equals at least 3%.

Approved as Amended

Motion to hire Public Financial Management Inc., as the City's financial advisor and authorize to move forward with refunding the 2002 and 2008 School Board Bonds and 2007 Public Safety Bonds, as long as combined savings equals at least 3%. The bond counsel shall be McKenna Long & Aldridge LLP, the underwriter counsel shall be Murray Barnes Finister LLP, and the underwriter Morgan Keegan & Company.

20091239 **Issuance of the Parks Bond**

Motion to hire Public Financial Management Inc., as the City's financial advisor for the parks bond placement and authorization to move forward with issuance of the Parks Bond as requested by Mayor Dunaway.

Approved as Amended

Motion to hire Public Financial Management Inc., as the City's financial advisor for the parks bond placement and authorization to move forward with issuance of the Parks Bond as requested by Mayor Dunaway. The bond counsel shall be McKenna Long & Aldridge LLP, the underwriter counsel shall be Murray Barnes Finister LLP, and the underwriter Morgan Keegan & Company.

20091192 **BLW Actions of November 9, 2009**

Review and approval of the November 9, 2009 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

Discussed

20091271 **MEAG Power Sale of Excess Reserve Capacity/ City of Jackson**

Request for approval of a recommendation by the BLW Board to approve the agreement to sell excess reserve capacity to the City of Jackson and to authorize the Chairman of the BLW Board to execute this agreement.

Approved and Finalized

20091276

Property Acquisition - 591 Frasier

Motion to approve property acquisition for the purpose of Fairground Street Improvements at 591 Frasier Street:

591 Frasier Street from Robert Winch in exchange for \$155,000.

Approved and Finalized